

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF)	
)	
CITY OF SAN DIEGO)	COMPLAINT NO. R9-2003-0279
SAN DIEGO CONVENTION)	FOR
CENTER DEWATERING)	ADMINISTRATIVE CIVIL LIABILITY
)	WITH
)	MANDATORY MINIMUM PENALTIES
)	June 26, 2003
NONCOMPLIANCE WITH)	
<u>ORDER NOS. 95-25 AND 2000-90</u>)	

THE CITY OF SAN DIEGO IS HEREBY GIVEN NOTICE THAT:

1. The City of San Diego is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, California Water Code (CWC), Section 13385 et seq.
2. A public hearing on this matter is scheduled before the SDRWQCB at its meeting on August 13, 2003, at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, the City of San Diego will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing will be provided to the City of San Diego prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
3. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.
4. The City of San Diego is approved to discharge up to six hundred seventy thousand gallons per day of effluent from its permanent dewatering operation to San Diego Bay under the provisions of Order Nos. 2000-90 and 95-25. On March 1, 2001 the City of San Diego altered the original design of the discharge from two separate outfalls into one combined outfall located near the center channel of San Diego Bay.

ALLEGATIONS

5. Twenty-two violations of Order Nos. 95-25 and 2000-90, *General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance*

Systems Tributary Thereto, (Order No. 95-25 was superceded by Order No. 2000-90 on June 14, 2000) were noted in the discharger's self-monitoring reports during the period from January 2000 through March 2003. These violations include effluent limit exceedances for total suspended solids and copper which are subject to mandatory minimum penalties.

MANDATORY MINIMUM PENALTIES

6. California Water Code Section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation and each additional serious violation in any period of six consecutive months.
7. California Water Code Section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each additional violation whenever a discharger exceeds a waste discharge requirement effluent limitation four or more times in any period of six consecutive months.
8. Attachment No. 1 is a summary of the effluent limitations set forth in Order Nos. 95-25 and 2000-90 and the violations by the City of San Diego, San Diego Convention Center during January 2000 through March 2003 that are subject to mandatory minimum penalties.

TOTAL PROPOSED CIVIL LIABILITY

6. The total proposed civil liability for the mandatory minimum penalties described in this Complaint is sixty three thousand dollars (\$63,000).

Dated this 26th day of June 2003

By: 
JOHN H. ROBERTUS
Executive Officer

Date of Violation	Violation	Sump	Permitted Limit	Reported Value	Pollutant Category	Ratio, Reported: Permitted	Serious/ Chronic	Water Code Section 13385	Penalty
DISCHARGE ROUTED TO TWO SEPARATE OUTFALLS PRIOR TO MARCH 1, 2001									
4/10/00	TSS instantaneous max	3&4	50 mg/L	55 mg/L	1	1.1	Chronic	(i)(1)	\$0
4/10/00	TSS 30-day average	1&2	30 mg/L	49 mg/L	1	1.6	Serious	(h)(1)	\$3,000
4/10/00	TSS 30-day average	3&4	30 mg/L	55 mg/L	1	1.8	Serious	(h)(1)	\$3,000
10/30/00	TSS 30-day average	1&2	30 mg/L	66 mg/L	1	2.2	Serious	(h)(1)	\$3,000
10/30/00	TSS instantaneous max	1&2	50 mg/L	66 mg/L	1	1.3	Chronic	(i)(2)	\$3,000
10/30/00	TSS 30-day average	3&4	30 mg/L	56 mg/L	1	1.9	Serious	(h)(1)	\$3,000
10/30/00	TSS instantaneous max	3&4	50 mg/L	56 mg/L	1	1.1	Chronic	(i)(1)	\$3,000
11/20/00	TSS 30-day average	1&2	30 mg/L	36.5 mg/L	1	1.2	Chronic	(i)(1)	\$3,000
11/20/00	TSS 30-day average	3&4	30 mg/L	30.5 mg/L	1	1.0	Chronic	(i)(1)	\$3,000
DISCHARGE ROUTED TO SINGLE OUTFALL ON MARCH 1, 2001									
12/31/01	copper instantaneous max	1&2	4.8µg/L	14.6 µg/L	2	3.0	Serious	(h)(1)	\$3,000
12/31/01	copper 6-month median*	3&4	3.1 µg/L	14.6 µg/L	2	4.7	Serious	(h)(1)	\$3,000
1/7/02	copper instantaneous max	1&2	4.8µg/L	16.1 µg/L	2	3.4	Serious	(h)(1)	\$3,000
1/7/02	copper 6-month median	3&4	3.1 µg/L	15.4 µg/L	2	5.0	Serious	(h)(1)	\$3,000
4/9/02	copper instantaneous max	1&2	4.8µg/L	16.0 µg/L	2	3.3	Serious	(h)(1)	\$3,000
4/9/02	copper 6-month median	3&4	3.1 µg/L	15.1 µg/L	2	3.1	Serious	(h)(1)	\$3,000
7/8/02	copper instantaneous max	1&2	4.8µg/L	16.1 µg/L	2	3.4	Serious	(h)(1)	\$3,000
7/8/02	copper 6-month median	3&4	3.1 µg/L	16.0 µg/L	2	5.2	Serious	(h)(1)	\$3,000
10/9/02	copper instantaneous max	1&2	4.8µg/L	14.9 µg/L	2	3.1	Serious	(h)(1)	\$3,000
10/9/02	copper 6-month median	3&4	3.1 µg/L	15.5 µg/L	2	5.0	Serious	(h)(1)	\$3,000
12/10/02	TSS 30-day average	1&2	30 mg/L	38 mg/L	1	1.3	Chronic	(i)(1)	\$3,000
3/10/03	copper instantaneous max	1&2	4.8µg/L	Not Tested	2	NA	Serious	(h)(1)	\$3,000
3/10/03	copper 6-month median	3&4	3.1 µg/L	5.19 µg/L	2	2.8	Serious	(h)(1)	\$3,000
				8.67 µg/L					
				16.1 µg/L		5.2	Serious	(h)(1)	\$3,000

Total Penalty = \$63,000